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Multiple Amendments Threaten to Undermine Homeland Security

-- Place Americans at Risk In Order to Advance Special Interests --

As the House begins consideration of legislation to create the Department of Homeland Security numerous amendments are reportedly in the works that would undermine the new Department and in some instances place the interests of special interest groups ahead of the safety of American citizens. Below are some of the most significant potential threats to President Bush's goal of creating a Department of Homeland Security that can efficiently protect America.

1) Amendment to Put Trial Lawyer Interests Ahead of Homeland Security-- The bill reported by the Select Committee places limits on the liability of private companies when the products they have produced are used by the government to fight terrorism. This provision encourages companies to innovate and to provide the government with the latest technology necessary to fight the war on terrorism without fear of having to pay millions of dollars to lawyers to defend them from baseless lawsuits.

House Democrats reportedly want to strike this provision and add a new provision that requires the government to indemnify corporations against such lawsuits. In other words, companies would get no protection and American taxpayers would be forced to pay for any judgments against a company. This provision provides an incentive for trial lawyers to sue every single company that provides the government with anti-terrorism technology.

2) Amendment to Give Airline Passengers a False Sense of Security with Antiquated Technology -- The bill reported by the Select Committee requires airports that will not be able to fully install explosive detection devices by December 31 to commence plans by that date to install such devices. Last year's Airport Security bill required airports to have explosive detection devices for checked bags in place by December 31, however at this very moment the government is still approving new technologies designed to detect explosives. Once the new technology is finally approved, many airports will not be able to get the new technology in place by the deadline. Some airports may either miss the deadline or install out-of-date technology that gives passengers a false sense of security.

House Democrats reportedly want to strike the provision contained in the Committee bill. In other words, they would rather have airports miss the deadline altogether or install already out-of-date technology, than ensure that each airport has a plan in place to install explosive detection devices that will truly protect passengers.

3) Amendment to Remove Agencies from the Department That Have Clear Homeland Security Duties -- The bill reported by the Select Committee transfers the Coast Guard, the Customs Service, FEMA, the Transportation Security Agency and the Secret Service, among other agencies, to the new Department of Homeland Security. This structure, requested by the President, ensures that the agencies engaged in homeland security work within a single department and report to a Cabinet Secretary whose first and foremost responsibility is protecting American citizens from terrorist attacks.

House Democrats reportedly may offer one or more amendments to either remove certain agencies from the Department or require that these be distinct entities within the Department. These amendments run

counter to the stated goal of the entire initiative, namely to streamline and organize the agencies of the government engaged in homeland security.

4) Amendment Creating a Permanent Compensation Fund for Victims of Terrorism – The bill reported by the Select Committee focuses on preventing terrorist attacks.

House Democrats reportedly may offer an amendment to expand the Department to create a new and permanent program to provide taxpayer-funded compensation to victims of future terrorist attacks. This proposal dramatically changes the role and focus of the new Department. In addition, it ignores the need to ensure that any future compensation provided be consistent with the compensation provided to the survivors of members of the U.S. Armed Forces who die in the line of duty.

5) Amendments to Put Union Interests Ahead of Homeland Security Interests – The bill reported by the Select Committee provides the new Secretary of the Department with the ability to conduct a five-year demonstration project related to personnel policy. While the bill explicitly protects the civil rights of employees as well as their right to join a union, it does provide the new Department with the flexibility to ensure that employees are deployed where they are most needed and that incompetent employees are reprimanded or removed from duty. Ensuring our nation's security requires that the Secretary have the ability to promote the best and brightest employees and terminate those who fail to do their job.

House Democrats may offer an amendment to remove even this limited flexibility. This proposal would place the interests of rigid pre-negotiated union policies ahead of the flexibility necessary to ensure the safety of American citizens.

In addition, House Democrats reportedly may offer an amendment to require that all construction projects carried out by the new Department of Homeland Security be subject to the Davis-Bacon prevailing wage requirement. This requirement would artificially increase the cost of construction projects by requiring that the government pay wages above what would be paid in an open-market. These increased costs, estimated to be as much as 15%, will mean that the Department will have less money with which to undertake other critical projects.

6) Amendment to Put Local Interests Ahead of National Interests in Developing Counter-Terrorism Technologies – The bill reported by the Select Committee creates an appropriate role using many existing resources for the development of new counter-terrorism technologies.

House Democrats reportedly are considering offering a number of amendments to create new Homeland Security Institutes, research centers, and laboratories. Rather than creating a new rigid program that forces research to be conducted at specific institutions, the new Department should be able to conduct research at institutions, both federal and non-federal, that are most likely to produce the best technology, not the institution arbitrarily mandated by Congress.

7) Amendment Guaranteeing Illegal Immigrants Taxpayer Funded Lawyers – The bill reported by the Select Committee makes numerous improvements to our current immigration system.

House Democrats are reportedly considering offering an amendment to guarantee legal counsel to all minor children who come within the custody of the new Department, in most cases illegal immigrants. While everyone shares the goal of protecting the interests of children, this proposal is an attempt to rewrite our immigration system to provide taxpayer-funded lawyers to those who enter our country illegally. Such a dramatic proposal, even if limited to minor children, would drastically alter our immigration enforcement procedures redirecting resources from the Department's number one priority, protecting against terrorist attacks, to a new duty providing free legal services to illegal immigrants.